

Senate Bill No. 25—"An Act to organize the Court of Appeals."

Senate Bill No. 47, entitled, "An Act to give effect to Article 6, Section 1, of the Constitution," was taken up, with the report of the committee recommending that the bill do not pass.

Report of committee adopted and bill lost.

The hour of the special order having arrived, it was taken up, viz: Matter of contest between C. L. Cleveland, contestant, A. P. McCormick, sitting member, from the Nineteenth Senatorial District.

C. L. Cleveland, in person, submitted an argument in his own behalf, and J. H. Bell for the sitting member.

The President *pro tem.* in the chair.

On motion of Senator Terrell, the Senate adjourned until 3 o'clock P. M.

— EVENING SESSION—3 P. M.

Senate met pursuant to adjournment. Roll called. No quorum present.

Absent—Senators Brady, Crain, Ford, Grace, Henry F. M., Hobby, McLeary, Motley, McCormick, Moore, Smith, Storey, Terrell and Thompson.

Senators McLeary, Motley, Terrell and Brady appeared and made a quorum.

Argument in the case of Cleveland vs. McCormick was continued, and concluded by C. S. West in behalf of contestant.

Senator Crain moved that the further consideration of the question be postponed until to-morrow at 10 o'clock A. M.

Lost.

The question being, "The adoption of the resolution submitted by the Committee on Privileges and Elections in the contested case of Cleveland vs. McCormick," it was put and carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Carroll, Crain, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Moore, Motley, Piner, Ripetoe, Storey, Terrell, Thompson and Wortham—25.

NAYS—Senators Brown, Francis and Stephens—3.

On motion of Senator McLeary, the Senate adjourned until to-morrow morning at 10 o'clock.

— TWELFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 2, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Rev. J. F. Hillyer.

Journal of yesterday read and adopted.

On motion of Senator McLeary, his name was inserted in the recorded vote of yesterday with the Senators voting in favor of the adoption of the resolution presented by the Committee on Privileges and Elections in the contested election case of Cleveland vs. McCormick.

Senator McLeary introduced a bill, to be entitled: "An Act to regulate the wearing of arms, with a view to prevent crime."

Read first time and referred to Judiciary Committee No. 1.

Senator Ledbetter introduced a bill, entitled: "An Act to amend Section 138 of an act entitled: 'An Act to regulate proceedings in the District Courts,' approved May 13, 1846."

Read and referred to Judiciary Committee No. 1.

Senator Motley introduced a bill, to be entitled: "An Act to prohibit the sale or giving away of intoxicating liquors within five miles of certain places therein named," approved February 8, 1875.

Read first time and referred to Committee on State Affairs.

Senator McLeary introduced a bill, to be entitled: "An Act to establish and regulate the department of Insurance, Statistics and History; and to provide for the appointment of a commissioner thereof."

Read first time and referred to Committee on Statistics of Industry, Public Health and History of Texas.

Senator Hobby introduced a bill, entitled: "An Act authorizing the County Courts to provide for and regulate the construction and repairing of county roads."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Senator Hobby also introduced a bill, entitled: "An Act to define the duties of County Attorneys and to regulate the performance of the same."

Read first time and referred to Judiciary Committee No. 2.

On motion of Senator Blassingame, Senator Thompson was added to Committee on Roads, Bridges and Ferries.

Senator Douglass moved that the vote ordering the engrossment of Senate Bill No. 29, "An Act to fix the time for holding the next general election," be reconsidered.

Carried.

On motion of Senator Piner, one hundred copies of the foregoing named bill were ordered printed.

The regular order of the day was taken up.

Senate Bill No. 19, "An Act to prescribe the order of determining cases in the Supreme Court," was taken up, read third time, and on motion of Senator Terrell, made the special order for Tuesday, May 16, and one hundred copies ordered printed.

Senate Bill No. 16, entitled, "An Act to amend Articles 396, 397 and 398 of the penal code," was taken up, and on motion of Senator McLeary, postponed to Tuesday next, May 9.

Senate Bill No. 14, entitled, "An Act to transfer all cases, civil and criminal, now pending in courts of Justices of the Peace whose jurisdiction has been heretofore increased by special law, to the courts having jurisdiction thereof under the Constitution," was taken up, read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, and Wortham—29.

NAYS—None.

Senate Bill No. 36, "An Act to provide for the manner in which publication of notice of intention to apply for the passage of a local or special law, and proof of such publication shall be made," was taken up, read third time, and passed by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson and Wortham—27.

The President of the Senate signed the following bills, after publicly reading their captions, to-wit:

House Bill No. 25: "An Act to fix the first terms of the District Courts under the present Constitution;" and House Bill No. 39: "An Act to provide for the current printing of the Fifteenth Legislature."

Senate Bill No. 49, entitled "An Act to amend an act entitled 'An Act to establish a penal code for the State of Texas,'" approved August 28, 1856, was taken up, read third time, and, on motion of Senator McLeary, the further consideration of the bill was postponed to Wednesday, May 17, next.

Senator Thompson offered the following resolution:

Resolved, That the Senate go into an election of United States Senator at 11:30 A. M. to-day, to fill the vacancy to be made by the expiration of the term of the Hon. M. C. Hamilton.

Senator Carroll moved to strike out "11:30," and insert "12 o'clock M." Accepted.

The resolution, as amended, was adopted.

On motion of Senator Grace, the Senate took recess until 12 o'clock M. Recess expired. Roll called. Quorum present. Full Senate.

The President announced that the time had arrived for the Senate to go into the election of a United States Senator to succeed the Hon. Morgan C. Hamilton, whose term of office expires March 4, 1877.

Senator Ledbetter nominated the Hon. John Hancock.

Senator Smith nominated the Hon. Richard Coke.

Senator Brown nominated the Hon. John Ireland.

Senator Crain nominated the Hon. F. S. Stockdale.

Those voting for Hon. John Hancock were as follows: Senators Ball, Brady, Burton, Ford, Ledbetter, McLeary, McCormick, Ripetoe and Terrell—9.

Those voting for Hon. Richard Coke were as follows: Senators Blas-singame, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Martin, McCulloch, Moore, Piner, Smith and Stephens—14.

Those voting for Hon. John Ireland were as follows: Senators Brown, Carroll, Hobby, Motley, Storey, Thompson and Wortham—7.

Those voting for Hon. Fletcher S. Stockdale were as follows: Senator Crain—1.

On motion of Senator Crain, the Senate adjourned until 10 o'clock A. M. to-morrow.

THIRTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 3, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Rev. O. Fisher.

Journals of yesterday read and adopted.

Senator McCulloch introduced a bill entitled: "An Act concerning offenses against the public health."

Read first time and referred to Committee on Statistics of Industry, Public Health and History of Texas.

Senator Moore introduced a bill to be entitled: "An Act to amend 'An Act to establish a penal code for the State of Texas,'" approved August 28, 1856.